



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

MAERTENS, et al.

Atty. Ref.: 2551-69; Confirmation No. 4135

Appl. No. 09/995,860

TC/A.U. 1648

Filed: November 29, 2001

Examiner: LI, BAO Q

For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND  
THERAPEUTIC USE

\* \* \* \* \*

June 14, 2006

Box Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

The Examiner states as follows in the Reasons for Allowance:

"The state of art as the application was filed teaches away for the invention in that it has shown that E1 polypeptide consisting of amino acid residues 192-330 does not produce any effective and therapeutic neutralizing activity against the HCV infection."

The applicants assume the Examiner's statement can be interpreted as the Examiner's confirmation that, in the Examiner's view, the state of the art at the time the application was filed teaches away from the invention in that the art has not shown that an E1 polypeptide consisting of amino acid residues 192-330 produces an effective and therapeutic neutralizing activity against the HCV infection. The Examiner's reference to amino acid residue 330 in the above-quoted statement is not understood as E1 is

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believed to extend from approximately amino acid 192 to about amino acid 383 of the full-length polypeptide. See page 5, lines 21-25 of the specification.

Applicant disagrees with the Examiner's statement of reasons for allowance to any extent that such statement characterizes the invention in any manner at variance with the actual wording of the claims.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

By: \_\_\_\_\_



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